

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRIANNA MARIE LAYNE,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VALERIE L. LAYNE,

Respondent-Appellant.

UNPUBLISHED

November 14, 2006

No. 270613

Branch Circuit Court

Family Division

LC No. 03-002647-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights pursuant to MCL 712A.19b(3)(i) and (j). We affirm.

Respondent argues that MCL 712A.18f requires petitioner to provide services to a parent if parental rights are not terminated at the initial disposition hearing and that, therefore, the trial court erred in terminating her parental rights without requiring petitioner to provide reunification services to her. However, MCL 712A.19b(4) allows the trial court to terminate parental rights at the initial dispositional hearing if a petition to terminate parental rights is filed. Here, a petition to terminate parental rights was filed before the adjudicatory hearing. The trial court did not terminate parental rights at the adjudicatory hearing that followed or at the initial dispositional hearing. Another petition for permanent custody was filed before the disposition hearing. Petitioner proceeded under MCL 712A.19b(4). Petitioner's goal was never reunification and was always termination. Therefore, petitioner was not required to provide reunification services to respondent mother before termination of her parental rights. Although the trial court did not terminate parental rights at the initial disposition hearing, no error occurred where petitioner proceeded under MCL 712A.19b(4) by filing a petition for permanent custody before any disposition hearing.

Respondent also argues that the trial court clearly erred in finding that MCL 712A.19b(3)(j) was established by clear and convincing evidence. We disagree. The trial court did not clearly err in finding that the statutory bases, both sections (i) and (j), were established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000); MCR 3.977(J). Although respondent presented evidence that she had changed after the termination of

her parental rights to her son, petitioner presented contradictory evidence. This Court shall give regard to the trial court's special opportunity to judge the credibility of witnesses who appeared before it. MCR 2.613(C). The psychologist testified that respondent's psychological evaluation reflected that she had not changed, that her parenting problems were characterological rather than situational, and that respondent's test results revealed that she was overwhelmed by parenting and did not enjoy parenting. Further, the protective services worker testified that she believed that there was a reasonable likelihood that Brianna would be harmed if returned to respondent's home because respondent was not able to appropriately supervise her older son, and he was not special needs child like Brianna. Therefore, the trial court did not clearly err in finding that section (j) was established by clear and convincing evidence.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio